

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seiki TAKAHASHI et al.
Title: AUTOMATIC BRAKE SYSTEM
FOR A VEHICLE
Appl. No.: 10/782,813
Filing Date: 2/23/2004
Examiner: Edward J. Pipala
Art Unit: 3663
Confirmation Number: 5466

***LETTER
(UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH
IN PRACTICE BEFORE THE OFFICE)***

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Applicants hereby respectfully request that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 266 days instead of 287 days. Applicants filed a Notice of Appeal and Request for Pre-Appeal Conference on May 12, 2008. The PTO erroneously charged themselves 21 additional days. Therefore, the PTO delay days should be 326 days instead of 347 days for a total Patent Term Adjustment of 266 days. This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

“In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate.”

Respectfully submitted,

Date NOV 06 2008

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371